IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1974 OF 2006

Prakash Shah ... Petitioner

Vs.

The Commissioner, Mumbai
Mun. Corporation of Gr.Mumbai
and anr. ... Respondents

Mr.H.V. Kode for Petitioner.

Mrs. P.A. Purandhare for Respondents.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 28TH JULY, 2006

P.C.:

. Heard learned counsel for the Parties.

. The Respondents have issued notice under Section 53 of the M.R.T.P. Act against the Petitioner for breach of condition of permission to carry out repairs. By earlier order of this court, the learned Vacation Judge has directed the Respondents to consider representation and dispose it of. That is still pending. The Petitioner has now moved by way of Chamber summons to challenge the notice issued against him.

. On behalf of the Respondents, it is pointed out that the representation by the Petitioner is made to the Authority other than the authority which is

competent to pass an order of regularisation. Considering that the Petitioners' chamber summons is disposed of with a direction to the Petitioner to submit his representation to the Executive Engineer, Building Proposal Department within seven days from today. On such proposal being received, the said officer to consider the same and dispose it of according to law not later than four weeks thereafter. In the meantime, respondents not to act on the notice of demolition issued against the Petitioner.

. With the above observations, Petition and chamber summons disposed of.

(MRS.V.K.TAHILRAMANI,J.) **(F.I.REBELLO, J.)**